

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CORPORATIVO GRUPO R SA de C.V.,	§	Civil Action No. 4:19-cv-01963
	§	
Plaintiff,	§	
	§	
v.	§	
MARFIELD LIMITED INCORPORATED	§	
And SHANARA MARITIME	§	
INTERNATIONAL, S.A.	§	
	§	
Defendants.	§	

**CORPORATIVO GRUPO R SA DE C.V.’S ANSWER TO
VERIFIED COMPLAINT IN INTERVENTION**

Plaintiff Corporativo Grupo R SA de C.V. (“Grupo R”), files this answer to the Verified Complaint in Intervention of Intervenors-Plaintiffs Caterpillar Financial Services Asia Pte Ltd, Eksportfinans ASA, the Norwegian Government, represented by the Norwegian Ministry of Trade and Industry and Eksportkreditt Norge AS, and KFW IPEX-Bank GmbH (“Intervenors”).

FIRST AFFIRMATIVE DEFENSE

Intervenors’ Complaint-in-Intervention fails to state a claim for which relief can be granted. Grupo R believes that the purported preferred ship mortgages are defective under Panamanian law. Grupo R incorporates by reference herein the answers and affirmative defenses set forth below.

ANSWER

For further answer employing Plaintiff-in-Intervention’s paragraph numbers, Grupo R responds as follows:

1. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 1 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

2. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 2 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

3. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 3 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

4. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 4 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

5. Grupo R admits the allegations in paragraph 5 of the Intervenor's Complaint-in-Intervention.

6. Grupo R admits the allegations in paragraph 6 of the Intervenor's Complaint-in-Intervention.

7. Grupo R admits that the M/V CABALLO MAYA is a Panamanian flagged DP3 offshore construction vessel bearing registration number 42480-11, that it is owned by Marfield Ltd., Inc., that it is afloat within the Southern District of Texas and is within the jurisdiction of this Court, but otherwise denies the remaining allegations in paragraph 7 of the Intervenor's Complaint-in-Intervention.

8. Grupo R admits that the M/V CABALLO MARANGO is a Panamanian flagged DP3 offshore construction vessel bearing registration number 44435-12, that it is owned by

Shanara Maritime International S.A., that it is afloat within the Southern District of Texas and is within the jurisdiction of this Court, but otherwise denies the remaining allegations in paragraph 8 of the Intervenor's Complaint-in-Intervention.

9. The allegations in the first sentence of paragraph 9 of the Intervenor's Complaint-in-Intervention do not require an answer, but to the extent an answer is required, denied. Grupo R otherwise admits the remaining allegations in paragraph 9 of the Intervenor's Complaint-in-Intervention.

10. Grupo R admits that the Court has subject matter jurisdiction pursuant to 28 U.S.C. 1333 and this action constitutes an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and the Supplemental Rules for Certain Admiralty and Maritime Claims, but otherwise denies the remaining allegations paragraph 10 of the Intervenor's Complaint-in-Intervention.

11. Grupo R denies the allegations in paragraph 11 of the Intervenor's Complaint-in-Intervention.

12. Grupo R admits the allegations in paragraph 12 of the Intervenor's Complaint-in-Intervention.

13. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 13 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

14. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 14 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

15. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 15 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

16. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 16 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

17. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 17 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

18. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 18 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

19. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 19 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

20. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 20 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

21. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 21 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

22. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 22 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

23. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 23 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

24. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 24 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

25. Grupo R admits the allegations in paragraph 25 of the Intervenor's Complaint-in-Intervention.

26. Grupo R admits the allegations in paragraph 26 of the Intervenor's Complaint-in-Intervention.

27. Grupo R denies the allegations in paragraph 27 of the Intervenor's Complaint-in-Intervention.

28. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 28 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

29. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 29 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

30. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 30 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

31. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 31 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

32. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 32 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

33. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 33 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

34. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 34 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

35. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 35 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

36. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 36 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

37. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 37 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

38. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 38 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

39. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 39 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

40. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 40 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

41. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 41 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

42. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 42 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

43. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 43 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

44. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 44 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

45. Grupo R admits the allegations in paragraph 45 of the Intervenor's Complaint-in-Intervention.

46. Grupo R admits the allegations in paragraph 46 of the Intervenor's Complaint-in-Intervention.

47. Grupo R denies the allegations in paragraph 47 of the Intervenor's Complaint-in-Intervention.

48. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 48 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

49. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 49 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

50. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 50 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

51. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 51 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

52. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 52 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

53. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 53 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

54. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 54 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

55. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 55 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

56. Grupo R incorporates by reference herein each of the paragraphs above in response to paragraph 56 of the Intervenor's Complaint-in-Intervention.

57. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 55 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

58. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 55 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

59. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 55 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

60. Grupo R incorporates by reference herein each of the paragraphs above in response to paragraph 60 of the Intervenor's Complaint-in-Intervention.

61. Paragraph 61 of the Intervenor's Complaint-in-Intervention includes no factual allegations and does not require a response.

62. Paragraph 62 of the Intervenor's Complaint-in-Intervention includes no factual allegations and does not require a response.

63. Grupo R incorporates by reference herein each of the paragraphs above in response to paragraph 63 of the Intervenor's Complaint-in-Intervention.

64. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 64 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

65. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 65 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

66. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 66 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

67. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 67 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

68. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 68 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

69. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 69 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

70. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 70 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

71. Grupo R incorporates by reference herein each of the paragraphs above in response to paragraph 71 of the Intervenor's Complaint-in-Intervention.

72. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 72 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

73. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 73 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

74. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 74 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

75. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 75 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

76. Grupo R incorporates by reference herein each of the paragraphs above in response to paragraph 76 of the Intervenor's Complaint-in-Intervention.

77. Paragraph 77 of the Intervenor's Complaint-in-Intervention includes no factual allegations and does not require a response.

78. Paragraph 78 of the Intervenor's Complaint-in-Intervention includes no factual allegations and does not require a response.

79. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 79 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

80. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 80 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

81. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 81 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

82. Grupo R is without sufficient information or belief to admit or deny the allegations in paragraph 82 of the Intervenor's Complaint-in-Intervention. To the extent a response is required, denied.

83. To the extent a response is required, Grupo R denies each of the Prayer for Relief paragraphs the Intervenor's Complaint-in-Intervention

SECOND AFFIRMATIVE DEFENSE

Grupo R asserts that its claims are prime those of the Intervenor.

THIRD AFFIRMATIVE DEFENSE

Intervenor's claims are barred by estoppel, waiver and/or breach of contract.

PRAYER FOR RELIEF

WHEREFORE Grupo R prays that Intervenor's claims be dismissed with prejudice, that this Court confirm the Final London Arbitration Awards against the Defendants and enter judgment in favor of Grupo R for the principal amount of its claims plus pre- and post-judgment interest, as well as all costs and attorneys' fees incurred in connection with this action, and that Grupo R receive all such other and further relief, at law or in equity, that may be just and proper.

Dated: Houston, Texas
December 17, 2019

Respectfully submitted,

BLANK ROME LLP

/s/ Keith B. Letourneau
Jeremy A Herschaft
State Bar No. 24091970
Federal I.D. No. 2450990
Keith B. Letourneau
State Bar No. 00795893
Federal I.D. No. 20041
Blank Rome LLP
717 Texas Avenue, Suite 1400
Houston, Texas 77002
Telephone: (713) 228-6601
Facsimile: (713) 228-6605
Email: jherschaft@blankrome.com
Email: kletourneau@blankrome.com

**ATTORNEYS FOR CORPORATIVO
GRUPO R SA de C.V.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Court and served upon all known counsel of record on this 17th day of December 2019 in accordance with the Federal Rules of Civil Procedure.

/s/ Keith B. Letourneau
Keith B. Letourneau